



1662/53002  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : M. Fleshner-Barak et al.  
Serial No. : 09/887,204  
Filing Date : June 22, 2001  
For : RAPIDLY EXPANDING COMPOSITION FOR  
GASTRIC RETENTION AND CONTROLLED  
RELEASE OF THERAPEUTIC AGENTS, AND  
DOSAGE FORMS INCLUDING THE  
COMPOSITION  
Group Art Unit : 1615

Mail Stop Petitions  
Commissioner for Patents

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

Applicant hereby petitions to have the holding of abandonment dated December 3, 2003 for the above-identified patent application withdrawn in view of the following facts:

The Notice to File Missing Parts of NonProvisional Application mailed August 15, 2001 setting a two-month response period was received by Applicants' Attorney.

In response to the Notice to File Missing Parts of NonProvisional Application, a response dated October 15, 2001 addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box Missing Parts, was mailed to the U.S. Patent and Trademark Office Mail Room on October 15, 2001. The Patent Office was authorized to charge deposit account 11-0600 for the 37 CFR 1.16(e) surcharge fee. The response included a Response to the Notice to File Missing Parts of NonProvisional Application, a Declaration, and a Power of Attorney. The Response had a certificate of mailing dated October 15, 2001 and was signed by Applicant's Attorney. A return receipt post card was also included.

Kenyon and Kenyon's Outgoing Mail Log and Report of Action Completed covering the date of October 15, 2001 recorded this mailing.

A post card receipt date stamped by the Patent and Trademark Office Mail Room was not received by the Applicant.

Copies of the Notice of Abandonment, the Response to Notice to File Missing Parts of NonProvisional Application - Filing Date Granted, Declaration, Power of Attorney, Outgoing Mail Log from Kenyon and Kenyon and Report of Action Completed are attached.

In light of the above, it is respectfully submitted that a Response to the Notice to File Missing Parts of NonProvisional Application Office Action mailed August 15, 2001 was timely filed in the Patent Office. It is therefore respectfully requested that the abandonment be withdrawn and the application passed to the Examiner for action.

It is believed that no fee is necessary in connection with this Petition. However, should a fee be required, the Commissioner is authorized to charge Deposit Account No. 11-0600.

This Petition is submitted in duplicate.

Respectfully submitted,

KENYON & KENYON

Date December 11, 2003

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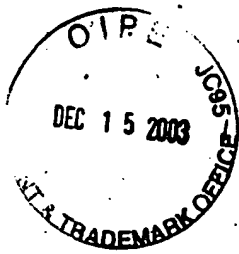
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**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:**  
Mail Stop Petition  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on

Date: 12/11/03

Signature: [Signature]

# Kenyon and Kenyon Outgoing Mail Log



| Date     | Serial #   | Client/Matter | Document                              | Atty/Sec    | Time |
|----------|------------|---------------|---------------------------------------|-------------|------|
| 12/15/01 |            |               | Request for Certificate of Correction | TFM         | 3:00 |
| "        |            |               | IDS                                   | "           | "    |
| "        |            |               | Request missing pts. Assignment IDS   | "           | "    |
|          |            |               | Amendment                             | EST/c       | 4:00 |
|          | 09/287,204 | 1662/53002    | missing parts                         | PT/c        | 4:00 |
|          |            |               | Response to Initial                   | EST/c       | 4:00 |
|          |            |               | sub IDS                               | RTM/c       | 1:00 |
|          |            |               | sub IDS                               | RHM/c       | 1:00 |
|          |            |               | IDS                                   | RHM/c       | 1:00 |
|          |            |               | Notice of Incomplete                  | EST/c       | 1:00 |
|          |            |               | Missing Points + Assign               | RHM/c       | 1:00 |
|          |            |               | Amendment of Docs                     | LPC/ESP     | 4:26 |
|          |            |               | Reply for Corr. Filing Request        |             |      |
|          |            |               | Trans / Reply letter 1.1.15           | RLM/JHE/ESP |      |
|          |            |               | NOA                                   | BSE         | 4:35 |
|          |            |               | Response                              | am/c        | 5:05 |
|          |            |               | Amendment                             | Jam         |      |
|          |            |               | new Application                       | RChung      | 5:05 |

Mailed : 15-Oct-2001

| Client No / IPWMA | Client               | IPSS Ref  | Appln date & No |
|-------------------|----------------------|-----------|-----------------|
| 02207 / 11267     | INTEL CORPORATION    | P35312US  |                 |
| 02207 / 11267     | INTEL CORPORATION    | P35312US  |                 |
| 02207 / 11235     | INTEL CORPORATION    | P35340US  |                 |
| 02207 / 10554     | INTEL CORPORATION    | P34782US  |                 |
| 02207 / 6841      | INTEL CORPORATION    | P32466US  |                 |
| 02207 / 11267     | INTEL CORPORATION    | P35312US  |                 |
| 02207 / 11508     | INTEL CORPORATION    | P35016US  |                 |
| 02207 / 9805      | INTEL CORPORATION    | P35305US  |                 |
| 02207 / 373802    | INTEL CORPORATION    | P31950US  |                 |
| 02207 / 1123601   | INTEL CORPORATION    | P34970US  |                 |
| 00117 / 99        | LAERDAL MEDICAL COR  | P31901USW |                 |
| 11219 / 3         | LAUDER BOWDEN        | T21320US  |                 |
| 01202 / 49        | LEONARDO DAVINCI'S P | T19210US  |                 |
| 12002 / 46001     | MARILYN M. PINK      | P35480US  |                 |
| 11547 / 110       | NEWPOWER             | T22265US  |                 |
| 52433 / 535       | Nippon Steel Corpora | P30030USW |                 |
| 53375 / 1322      | OLYMPUS OPTICAL CO   | T21910US  |                 |
| 01902 / 86401     | PACKAGING CONCEPTS   | T19741US  |                 |
| 11443 / 35        | POWER MEDICAL INTEF  | P33294WO  |                 |
| 11443 / 38        | POWER MEDICAL INTEF  | P33141WO  |                 |
| 11443 / 39        | POWER MEDICAL INTEF  | P33141WO  |                 |
| 10434 / 60501     | PRINCETON UNIVERSIT  | P33057US  |                 |
| 10020 / 22301     | PRINCETON UNIVERSIT  | P34916US  |                 |
| 10020 / 15302     | PRINCETON UNIVERSIT  | P30559US  |                 |
| 10020 / 67        | PRINCETON UNIVERSIT  | P25880US2 |                 |
| 12144 / 1         | RX ART, INC.         | T22459US  |                 |
| 10799 / 13        | SENESCO, INC         | P35423US  |                 |
| 10799 / 13        | SENESCO, INC         | P35423US  |                 |
| 11672 / 4         | SHERMANE BILLINGSLE  | T21446US  |                 |
| 11672 / 3         | SHERMANE BILLINGSLE  | T21445US  |                 |
| 02338 / 48201     | SIMAGE OY/D. YOUNG & | P35796USW |                 |
| 11746 / 13        | SLOAN-KETTERING/MO.  | P32630US5 |                 |
| 11746 / 13        | SLOAN-KETTERING/MO.  | P32630US5 |                 |
| 11296 / 46001     | SOREQ NUCLEAR        | P32505US  |                 |
| 11296 / 46001     | SOREQ NUCLEAR        | P32505US  |                 |
| 00782 / 1         | SPORTSMAN'S SUPERV   | T12151US  |                 |
| 01662 / 55576     | TEVA PHARMACEUTICA   | P33473WO  |                 |
| 01662 / 53002     | TEVA PHARMACEUTICA   | P33473US1 |                 |
| 01662 / 53002     | TEVA PHARMACEUTICA   | P33473US1 |                 |
| 10089 / 10        | TOYO BOSEKI/SAEGUS/  | P33387US  |                 |
| 00476 / 112       | TOYOTA/TOH INT'L PA  | P30325USW |                 |
| 10169 / 17        | TOYOTA/ISOEI         | P32712US  |                 |
| 10169 / 17        | TOYOTA/ISOEI         | P32712US  |                 |
| 10517 / 112       | TOYOTA/TOYOTA TECH   | P29900US2 |                 |
| 77792 / 36        | TOYOTAYOSHIDA        | P35795USW |                 |
| 10652 / 1203      | UNIVERSAL DISPLAY CO | P35351US  |                 |

| Action                        | Comm Date   | Due Date    | Note   |
|-------------------------------|-------------|-------------|--|
| Assignment Filed              | 15 Oct 2001 | 15-Oct-2001 |  |
| Respond to Not Missing Parts  | 20 Aug 2001 | 20-Oct-2001 |  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Official Letters Patent Rec'd | 15 Oct 2001 | 15-Oct-2001 |  |
| Declaration Filed             | 15 Oct 2001 | 15-Oct-2001 |  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Notice of Appeal Due          | 13 Jul 2001 | 13-Oct-2001 | C/O  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Issue Fee due                 | 16 Jul 2001 | 16-Oct-2001 | C/O File abandoned per A. Brenelsen letter 9/10/01 Sent to DC. |
| 12 Month Status Check         | 01 May 2001 | 01-May-2002 | Has a new action been rec'd?                                   |
| 12 Month Status Check         | 26 Jan 2001 | 26-Jan-2002 | Check Acceptance of Statement of Use.                          |
| Recorded Documents Rec'd      | 15 Oct 2001 | 15-Oct-2001 |  |
| 12 Month Status Check         | 16 Jul 2001 | 16-Jul-2002 | Has a new action been rec'd?                                   |
| Amendment Due                 | 16 Apr 2001 | 16-Jul-2001 |  |
| 2 Mo. Priority Action         | 13 Apr 2001 | 13-Jun-2001 |  |
| 12 Month Status Check         | 22 Mar 2001 | 22-Mar-2002 | has stmt. of use been accepted?                                |
| Was Demand Accepted           | 20 Sep 2001 | 20-Nov-2001 |  |
| Was Demand Accepted           | 20 Sep 2001 | 20-Nov-2001 |  |
| Was Demand Accepted           | 20 Sep 2001 | 20-Nov-2001 |  |
| Amendment Due                 | 13 Apr 2001 | 13-Jul-2001 |  |
| Updated Filing Receipt Rec'd  | 15 Oct 2001 | 15-Oct-2001 |  |
| Info.Disclosure Statement due | 18 Jun 2001 | 18-Sep-2001 |  |
| Req Cert of Correction Filed  | 15 Oct 2001 | 15-Oct-2001 |  |
| Respond to Official Action    | 21 Sep 2001 | 21-Mar-2002 | c/o examiners amendment rec'd 10/15/01                         |
| Assignment Filed              | 15 Oct 2001 | 15-Oct-2001 |  |
| Respond to Not Missing Parts  | 13 Aug 2001 | 13-Oct-2001 |  |
| 12 Month Status Check         | 05 Jun 2001 | 05-Jun-2002 | Has a new action been rec'd?                                   |
| 12 Month Status Check         | 05 Jun 2001 | 05-Jun-2002 | Has a new action been rec'd?                                   |
| Info.Disclosure Statement due | 15 Oct 2001 | 15-Jan-2002 |  |
| Req. Corrected Filing Receipt | 15 Oct 2001 | 15-Oct-2001 |  |
| Nucleotide Sequence Due       | 13 Aug 2001 | 13-Oct-2001 |  |
| Issue Fee due                 | 17 Jul 2001 | 17-Oct-2001 | Sent to DC.  |
| File Con. Appln. if Necessary | 17 Jul 2001 | 17-Oct-2001 |  |
| Renewal & Sec. 8 Due          | 20 Oct 1991 | 20-Oct-2001 |  |
| Invitation to Correct Defects | 13 Sep 2001 | 13-Oct-2001 | C/O PER MCW ON EXT. POA  |
| Assignment Filed              | 15 Oct 2001 | 15-Oct-2001 |  |
| Respond to Not Missing Parts  | 15 Aug 2001 | 15-Oct-2001 | Declaration due  |
| Amendment Due                 | 14 May 2001 | 14-Aug-2001 | Sent to DC.  |
| Amendment Due                 | 19 Jul 2001 | 19-Oct-2001 |  |
| Issue Fee due                 | 03 Aug 2001 | 03-Nov-2001 |  |
| File Con. Appln. if Necessary | 03 Aug 2001 | 03-Nov-2001 |  |
| Filing Receipt Rec'd          | 15 Oct 2001 | 15-Oct-2001 |  |
| Info.Disclosure Statement due | 15 Oct 2001 | 15-Jan-2002 |  |
| Info.Disclosure Statement due | 09 Jul 2001 | 09-Oct-2001 |  |

